IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12783 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PANCHMAHAL DISTRICT CO-OP BANK - Petitioner(s)
Versus
MANUBHAI NANUBHAI NAIK - Respondent(s)

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Appearance :
MR ATUL H MEHTA for Petitioner
MR DS VASAVADA for Respondent

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 18/07/2007

ORAL JUDGMENT

Shri Atul H. Mehta, learned counsel for the petitioner; Shri D.S. Vasavada, learned counsel for the respondent.

The petitioner-establishment is before this Court with a submission that the order dated 18.11.99 passed by the Controlling Authority in Case No. 21/98 and the order dated 13.9.2000 passed by the Appellate Authority in Appeal No. 1/2000 directing the petitioner to pay a sum of Rs. 1,87,418/- towards gratuity with simple interest, were absolutely wrong in view of the fact that the respondent's involvement in the criminal offence was writ large and the order passed by the Sessions Court in rejecting the notices issued by the Judicial Magistrate First Class was pending consideration before this Court.

During the course of the arguments, it was conceded that the Special Criminal Application No. 1109/99 has been dismissed by this Court on 5.3.2007. Dismissal of the said Special Criminal Application would simply mean that no criminal case is pending against the respondent workman. If that be so, the orders passed by the Controlling Authority and the Appellate Authority cannot be challenged, because, no legal ground is available to the establishment/petitioner to retain the gratuity.

I find no reason to interfere. The petition is dismissed. Rule is discharged. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-